

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JAMES HAYDEN,

Plaintiff,

vs.

2K GAMES, INC. and TAKE-TWO  
INTERACTIVE SOFTWARE, INC.,

Defendants.

CASE No. 1:17-cv-02635

Judge Christopher A. Boyko

**DECLARATION OF ANDREW ALEXANDER**

1. I, Andrew Alexander, submit this Declaration on behalf of James Hayden (“Mr. Hayden” or “Plaintiff”) in support of Plaintiff’s Memorandum in Opposition to Defendants’ Motion to Exclude Testimony of Michal A. Malkiewicz.

2. I am an Attorney at the law firm Calfee, Halter & Griswold LLP.

3. Attached as **Ex. A** to this Declaration is a true and correct copy of the Rebuttal Expert Report of Dr. H. Tolga Bilgicer, served on July 1, 2021.

4. Attached as **Ex. B** to this Declaration is a true and correct copy of excerpts from the Deposition of E. Deborah Jay, Ph.D., taken on August 24, 2021.

5. Attached as **Ex. C** to this Declaration is a true and correct copy of excerpts from the NBA 2K Video Game Survey Report of E. Deborah Jay, Ph.D., served on May 27, 2019.

6. Attached as **Ex. D** to this Declaration is a true and correct copy of excerpts from the Deposition of H. Tolga Bilgicer, Ph.D., taken on August 10, 2021.

7. Attached as **Ex. E** to this Declaration is a true and correct copy of Publication by Netzer.

8. Attached as **Ex. F** to this Declaration is a true and correct copy of Publication by Reibstein.
9. Attached as **Ex. G** to this Declaration is a true and correct copy of Publication by Parackal.
10. Attached as **Ex. H** to this Declaration is a true and correct copy of Publication by Grinstein.

I, Andrew Alexander, declare under penalty of perjury that the foregoing Declaration is true and correct.

Dated: November 22, 2021

*/s/ Andrew Alexander*

Andrew Alexander